IN THE

Supreme Court of the United States

OCTOBER TERM, 1957

NO. 291

C. S. HELMIG, Petitioner,

v.

ROCKWELL MANUFACTURING COMPANY, a Corporation, and BETHLEHEM STEEL COMPANY, a Corporation, Respondents.

PETITIONER'S REPLY BRIEF

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Conspicuous by absence from the respondents' briefs in opposition is any denial whatever of petitioner's record assertion of fraud which caused his deprivation of federal rights as guaranteed by the Constitution and laws of the United States. The very crux of the petition was "overlooked" or tactfully avoided by the respondents, as they continue their misrepresentation of this litigation in the hope that this Honorable Court may be misled into condoning the arbitrary, discriminatory and unconstitutional conduct and official decrees of the inferior courts.

The persistence of respondents' resentment toward petitioner's assertion of his claim, intensified in the light of his disclosure on record that Bethlehem offered perjury subo ned by Rockwell, and spurred on by the ill-gained, star-chamber decrees appealed from, evidences a panicky fear that something of a precedent might be set, were corporate giants held accountable in courts as are ordinary people. Respondents' attitude

seems to indicate that although little Helmig happens to be a citizen, he should not be so naive as to believe that his rights as such are guaranteed. Assuming from their point of view that he is realistic enough to know that his rights as a Pennsylvanian are merely illusory, he certainly should not be so foolhardy as to pursue his federal rights. For venturing on such a sally, he should be taught another expensive lesson; therefore, the respondents will authoritatively notify the Court that Helmig has no federal rights, and so he could not have been deprived of them, and thus the Court will not only deny his petition but also obligate him to pay their costs in order to impress him with the seriousness of his presumptuous mistake.

In Bethlehem's first argument, that the federal question was raised too late, the respondent overlooked the fact that it was raised in the very first pleading filed. In the complaint, the petitioner charged the respondents with depriving him of his rights as guaranteed by the Constitution and laws of the United States when he alleged (R. 311), *inter alia*, that the respondents wrongfully injured him "in his good name, fame and business". It necessarily follows that there is no merit whatever to Bethlehem's second argument, that there is no federal question to be decided. Bethlehem's third argument, that the court below was clearly right, is quite as untenable and insupportable under the facts and the applicable law as it is to be expected from the jubilant victors. In that connection it should be noted that even if Bethlehem's testimony which was the sole basis of the judgment *a.o.v.* and which was evidently false and admittedly irrelevant and immaterial, were true, rele-

vant and material; the Court below was powerless under the law to grant the judgment *n.o.v.* Therefore, the true argument is that the court below was clearly wrong.

The respondents have not cited any authority to support their propositions. However, they have made reference to one case, *Radio Station v. Johnson*, 326 U.S. 120, involving certiorari to the Supreme Court of Nebraska, which case would not sustain their challenge to this Honorable Court's jurisdiction even if it involved certiorari to the Supreme Court of Pennsylvania. On the contrary, the Opinion of the Court and the authorities cited therein support the granting of certiorari herein. Under the procedural rules and the law of Pennsylvania the federal questions were timely raised and preserved; and the judgments to be reviewed which deprived petitioner of his federal rights are final judgments and not subject to further review by the Pennsylvania Courts.

Actually an interesting difference between the two matters to be reviewed herein is that in the assumpsit action your petitioner was deprived of his federal rights after a jury verdict in his favor; and in the trespass action he was deprived of his federal rights preliminarily, without having his right to a day in Court.

Respectfully submitted,

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